

<sup>1</sup> Under the circumstances of this case as described by Plaintiff in his Complaint, federal court is not the forum to which to bring this civil assault case.

under 42 U.S.C. § 1985 there must be some racial, or other class-based invidiously discriminatory animus behind the alleged conspirators' action. Gedrich v. Fairfax County Dept. Of Family Services, 282 F. Supp 2d 439 (E.D. Va 2003). Here, Plaintiff cannot establish a conspiracy as he has only named one Defendant and his Complaint contains no allegations of racial or other class-based discriminatory animus behind the Defendant's actions. Therefore, Plaintiff's Complaint cannot be maintained against the Defendant pursuant to 42 U.S.C. § 1985.

Based upon the foregoing, the instant Complaint is hereby **DISMISSED** for failure to state a claim upon which relief can be granted.

**SO ORDERED.**

Signed: August 3, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

